

IN THE UTAH COURT OF APPEALS

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Jimmy S. Kennick,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20100708-CA
v.)	
)	
Workforce Appeals Board,)	F I L E D
Department of Workforce)	(December 16, 2010)
Services,)	
)	2010 UT App 366
Respondent.)	

Original Proceeding in this Court

Attorneys: Jimmy S. Kennick, Taylorsville, Petitioner Pro Se
Suzan Pixton, Salt Lake City, for Respondent

Before Judges Thorne, Voros, and Christiansen.

PER CURIAM:

Jimmy S. Kennick appeals the Workforce Appeals Board's (the Board) decision entered on August 5, 2010. This matter is before the court on a sua sponte motion for summary disposition. We affirm.

"If an appellant fails to allege specific errors of the lower court, the appellate court will not seek out errors in the lower court's decision." Allen v. Friel, 2008 UT 56, ¶ 7, 194 P.3d 903. An appellant must allege that the lower court committed an error that the appellate court should correct. See id. If an appellant does not challenge the lower court's basis for its judgment, the lower court's determination is placed beyond the reach of further appellate review, and an appellate court "may not consider the issue sua sponte." Id. Furthermore, where a party fails to provide any legal argument, analysis, or discussion of a specific issue on appeal, an appellate court may decline to address such issue. See State v. Green, 2005 UT 9, ¶ 11, 108 P.3d 710.

Kennick's docketing statement identifies his issue for appeal as "substantiality of error, hearsay." Because Kennick did not allege a specific error by the lower court, this matter

was selected for summary disposition. Kennick was required to respond to the motion for summary disposition and allege a substantial issue for appeal. See Utah R. App. P. 10(a)(2)(A). Kennick requested an extension of time to file a response to the sua sponte motion for summary disposition. However, despite being granted a thirty-day extension of time to respond to the notice of summary disposition, Kennick failed to file a response and identify any substantial issue for appellate review.

By failing to respond to the motion for summary disposition, and by failing to present a specific issue for appeal, Kennick has placed the Board's decision beyond the reach of further appellate review. See Allen, 2008 UT 56, ¶ 7. Even assuming that Kennick had identified a specific issue for appeal, by failing to respond to the sua sponte motion for summary disposition, he fails to provide the requisite legal argument, analysis, or presentation of a substantial issue, which if well taken, would entitle him to appellate relief. See Green, 2005 UT 9, ¶ 11. Thus, we are compelled to affirm the Board's decision.

Affirmed.

William A. Thorne Jr., Judge

J. Frederic Voros Jr., Judge

Michele M. Christiansen, Judge